

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WALTER SWIFT,

Plaintiff,

vs.

Case No. 10-cv-12911

HON. BERNARD A. FRIEDMAN

MAG. JUDGE R. STEVEN WHALEN

CITY OF DETROIT, et al.,

Defendants.

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**ORDER**

Before the Court is defendant City of Detroit's motion for reconsideration [docket entry 89] of this Court's June 28, 2012 order [docket entry 86] affirming Magistrate Whalen's March 22, 2012 order [docket entry 74] disqualifying the City Law Department from jointly representing two of the individually named Detroit Police officers in this action. Also before the Court is plaintiff's motion for partial default judgment against defendant City of Detroit [docket entry 87]. The Court held a status conference with the parties on July 19, 2012 in regards to all of the outstanding issues in this matter.

In light of the parties' on the record discussion with the Court, it is apparent that defendant City of Detroit has failed to comply with the orders entered in this matter. Such noncompliance has, moreover, interfered with plaintiff's right to have his claims adjudicated in an expeditious manner pursuant to court rules and procedure. Nevertheless, in one final attempt to afford defendant City of Detroit an opportunity to comply, the Court will rule as follows:

ORDERED that defendant City of Detroit's motion for reconsideration is denied.

IT IS FURTHER ORDERED that defendant City of Detroit obtain separate independent counsel for both Officers Paavola and Lewandowski by August 15, 2012.

IT IS FURTHER ORDERED that defendant City of Detroit tender \$2,500 to plaintiff for costs and attorney's fees no later than August 8, 2012.

IT IS FURTHER ORDERED that in the event defendant City of Detroit fails to comply with either of the aforementioned provisions, the Court will conduct a hearing on plaintiff's motion for partial default judgment on August 21, 2012.

IT IS FURTHER ORDERED that the parties will confer and jointly recommend the appointment of a discovery coordinator no later than July 25, 2012. The Court will appoint a discovery coordinator if the parties are unable to do so. The discovery coordinator shall be charged with monitoring outstanding discovery requests and assist in facilitating all outstanding discovery matters by August 15, 2012. In order to guarantee said coordinator's fee, defendant City of Detroit shall deposit the sum of \$15,000 with the Court no later than August 15, 2012 and provide notice of such deposit to plaintiff.

IT IS FURTHER ORDERED that the discovery coordinator and counsel shall appear before this Court on September 5, 2012 to report on the progress of discovery in this

matter.

IT IS FURTHER ORDERED that in the event defendant City of Detroit fails to comply with any of the other provisions of this order, the Court will conduct a hearing on plaintiff's motion for partial default judgment on September 5, 2012.

Dated: July 20, 2012

s/Bernard A. Friedman  
BERNARD A. FRIEDMAN  
SENIOR UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record July 22, 2012 electronically and/or by ordinary mail.

s/Michael Williams  
Relief Case Manager for the Honorable  
Bernard A. Friedman